

REMARKS

Claims 21-29 are pending in this application. Claim 21 has been amended by this amendment. Support for the amendment may be found in the application at, for example, figures 37-43 and the corresponding text.

Rejections Under 35 U.S.C. §112:

According to the Office Action, claims 21-28 are rejected under 35 U.S.C. §112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

The preamble and the body are now consistent because a loop is described in the preamble and in the first providing step. The attaching and moving steps are now specifically related by chronological order. Regarding the suture extending through the cannula, this text has been deleted.

Based on the foregoing, reconsideration and withdrawal of rejections is respectfully requested.

Rejections Under 35 U.S.C. §102:

According to the Office Action, claims 21-29 are rejected under 35 U.S.C. §102(b) as being anticipated by U.S. Pat. No. 5,540,703 to Barker et al (hereinafter referred to as "Barker").

"A claim is anticipated only if each and every element as set forth in the claim is found, either expressly or inherently described, in a single prior art reference." MPEP § 2131 *citing* Verdegaal Bros. V. Union Oil Co. of California, 814 F.2d 628, 631 (Fed. Cir. 1987).

Claim 21 includes a number of claim limitations that are not found in Barker. In particular, amended claim 21 recites that the suture includes a length of suture being threaded coaxially through the lumen of the standing portion of the loop to form a suture loop. The suture loop is then attached to tissue. This is not shown in Barker.

Barker provides a loop by inserting a needle transversely through the standing portion of suture. Barker does not show the subject method of providing a loop formed by a length of suture being coaxially threaded through the lumen of said standing portion.

Additionally, the Office Action states that the step of inserting a cannula through the patient's skin is disclosed. Applicant disagrees. All embodiments set forth in Barker disclose or

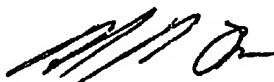
suggest an open type of surgery. Indeed, in Barker, hands and fingers are shown manipulating the sutures and tissue. Regarding the suture deploying instrument shown in Figure 32, this is not a cannula as the term is ordinarily understood in the art. The instrument shown in Figure 32 of Barker is a needle for holding and deploying the suture and not a cannula. This instrument would be used in the open-type procedures shown in the figures. Applicant respectfully submits that Barker does not disclose an arthroscopic surgical method having, among other steps, the step of inserting a cannula through the skin.

Based on the foregoing, Applicant respectfully requests reconsideration and withdrawal of the Section 102 rejections based on Barker.

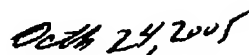
CLOSING COMMENTS

If the Examiner believes a telephone conference would expedite prosecution of this application, a telephone call to the undersigned attorney at the below listed number will be appreciated.

Respectfully submitted,



Richard R. Batt
Reg. No. 43,485



Date

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